THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.1367 of 2004

Dated:31.07.2007

Between

1.The General Manager and another.

.....Petitioner

and

1.O.Suryakantham and others.

...Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.1367 of 2004

ORDER:

It appears that 1st respondent, who is the wife of the deceased employee of East Coast Railway, filed a suit in O.S.No.134 of 1997 before the Senior Civil Judge, Vizianagaram seeking to declare that she is the legally wedded wife of the deceased and the same was decreed and the petitioners-East Coast Railway were directed to grant and pay all death benefits and amounts due to the deceased Oruganti Krishna Murty to 1st respondent along with costs and court fee. It seems that when 1st respondent, since died, filed an EP and in the EP attachment of the railway property was ordered. At that stage, the present writ petition is filed by the petitioners challenging the Judgment and Decree in

O.S. No.134 of 1997 dated 16.12.1998.

Here, it may be necessary to notice that the petitioners were parties to the suit as well as EP proceedings. Instead of working out their remedies as available under the law, they invoked the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

I am of the opinion that this is nothing but abuse of process of law and the Railway authorities ought not to have filed this writ petition and the same is not maintainable.

The writ petition is dismissed accordingly. No costs.

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31-07-2007

rkk